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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,549	12/17/2003	Curtis Corbins	017197-00001	9071

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EXAMINER

TSO, EDWARD H

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,549

Applicant(s)

CORBINS, CURTIS

Examiner

Edward H. Tso

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tung et al. (US 6,528,969). The reference discloses a portable charger 2 for a mobile phone 1 having, *inter alia*, a housing 21 to house a battery 22, a receptacle 25 to receive a power cord adapter 3 for charging the phone. See figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shy (US 6,215,273) in view of Tung et al. (US 6,528,969) and further in view of You et al. (US 6,501,246). The reference of Shy discloses a portable power supply 10 having, *inter alia*, one chamber 121 to house a power battery unit 50, a second chamber 44 to house the power cord adapter 45. See figures 2 and 3.

It is however not use to charge a mobile phone. Tung discloses a similar device but is sized to charge a mobile phone. It would have been obvious to modify the references so that the cord used in Tung can be retracted into the device similar to Shy's for the purpose of compactness and design so it can prevent the user from losing the cord.

Regarding claims 2 and 14, the reference of You disclose a cap 30 for protecting the receptacle when it is not in use. It would have been obvious to use a protective cap in order to prevent foreign matter from clogging up the terminal.

Regarding claims 16 and 17, it would have been obvious to have the power cord adapter be any type of adapters including the cigar lighter plug since it is just a design choice.

Response to Arguments

Applicant's arguments filed 2/17/06 have been fully considered but they are not persuasive. Applicant argues that the housing of Tung is actually made of two separate housings, one is for the battery and the other is for the transformer circuitry. Applicant makes no distinction in the claim that there is only one housing to house all the claimed components. The housing of Tung is one housing that contains separate chambers or "housings" to house different components. In *arguendo*, it does not matter whether it is one housing or a multiple of integrated housing units since one of ordinary skill in the art would find it obvious based on the design interpretation.

Applicant goes on to argue that the Examiner pointed to the wrong number 45 to show a power adapter. The power adapter is shown as the power pliers recessed in the chamber. Applicant further argues that the power adapter chamber is actually mounted on the housing rather than in the housing. The Examiner would like to point out that the housing is the entire structure and that the picture is an exploded view showing the details. So arguing the semantic of the word "on" and "in" is irrelevant.

And the reference of You only shows that the connector can be capped to prevent contamination. Regardless what the connector is connected to whatever device (large or small), if one does not want one's connectors to be contaminated, one would cap it.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication should be directed to the Examiner at the below-listed number on every Tuesday, Thursday and Saturday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Karl Easthom, can be reached at (571) 272-1989 on Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist at (571) 272-2800, Monday-Friday, 8:30am to 5:00pm, EST.

By:

A handwritten signature in black ink, appearing to read 'EDWARD H TSO', written over a horizontal line.

EDWARD H TSO
Primary Examiner
(571) 272-2087